

16-6a-1704 Saving provisions.

- (1)
 - (a) Except as provided in Subsection (2), the repeal of any statute by this act does not affect:
 - (i) the operation of the statute or any action taken under it before its repeal;
 - (ii) any ratification, right, remedy, privilege, obligation, or liability acquired, accrued, or incurred under the statute before its repeal;
 - (iii) any violation of the statute, or any penalty, forfeiture, or punishment incurred because of the violation of the statute before its repeal; or
 - (iv) any proceeding, reorganization, or dissolution commenced under the statute before its repeal.
 - (b) A proceeding, reorganization, or dissolution described in Subsection (1)(a)(iv) may be completed in accordance with the repealed statute as if the statute had not been repealed.
- (2) If a penalty or punishment imposed for violation of a statute repealed by this act is reduced by this act, the penalty or punishment if not already imposed shall be imposed in accordance with this act.
- (3) Section 16-6a-707 does not operate to permit a nonprofit corporation in existence prior to April 30, 2001, to take action by the written consent of fewer than all of the members entitled to vote with respect to the subject matter of the action, until the date a resolution providing otherwise is approved either:
 - (a) by a consent in writing:
 - (i) setting forth the proposed resolution; and
 - (ii) signed by all of the members entitled to vote with respect to the subject matter of the resolution; or
 - (b) at a duly convened meeting of members, by the vote of the same percentage of members of each voting group as would be required to include the resolution in an amendment to the nonprofit corporation's articles of incorporation.
- (4) Indemnification for an act or omission of a director or officer of a nonprofit corporation if the act or omission occurs prior to April 30, 2001, is governed by Title 16, Chapter 6, Utah Nonprofit Corporation and Co-operative Association Act, in effect as of April 29, 2001.
- (5) A nonprofit corporation is not required to amend the nonprofit corporation's articles of incorporation to state whether its members are voting members if:
 - (a) the nonprofit corporation was:
 - (i) formed prior to April 30, 2001;
 - (ii) formed under the laws of this state; and
 - (iii) existing on April 30, 2001; and
 - (b) the articles of incorporation of the nonprofit corporation states on April 30, 2001, that the nonprofit corporation has members.

Amended by Chapter 13, 2001 Special Session 1

Amended by Chapter 13, 2001 Special Session 1